

RICHARD AND SUSANNA WHITING

PREFACE

This is one of several biographies of my maternal ancestors in Australia whose family tree is shown on the following page. Richard and Susanna Whiting are my great-great-grandparents. Both were born in England. Richard was transported and Susannah emigrated to New South Wales where they married and had a family. Their story spans the history of London and Sydney during and after the convict transportation era.

The biographies in this series are;

Frances Mills (1781-1837) and her Many Partners

Thomas Kelsey (1804-1866) and Mary Johnson (1802-1877)

Richard Whiting (1811-1853) and Susanna Harley (1812-1867)

Thomas Moore (1821-1890) and Mary Jane Kelsey (1827-1874)

John Sands (1818-1873) and Marjorie Moffat Chisholm (1830-1904)

William George Whiting (1838-1917) and Amy Jane Moore (1853-1935)

John Kane Smyth (1836-1891) and Ada Mary Sands (1857-1946)

Keith Moore Whiting (1882-1939) and Mary Grant Smyth (1887-1969)

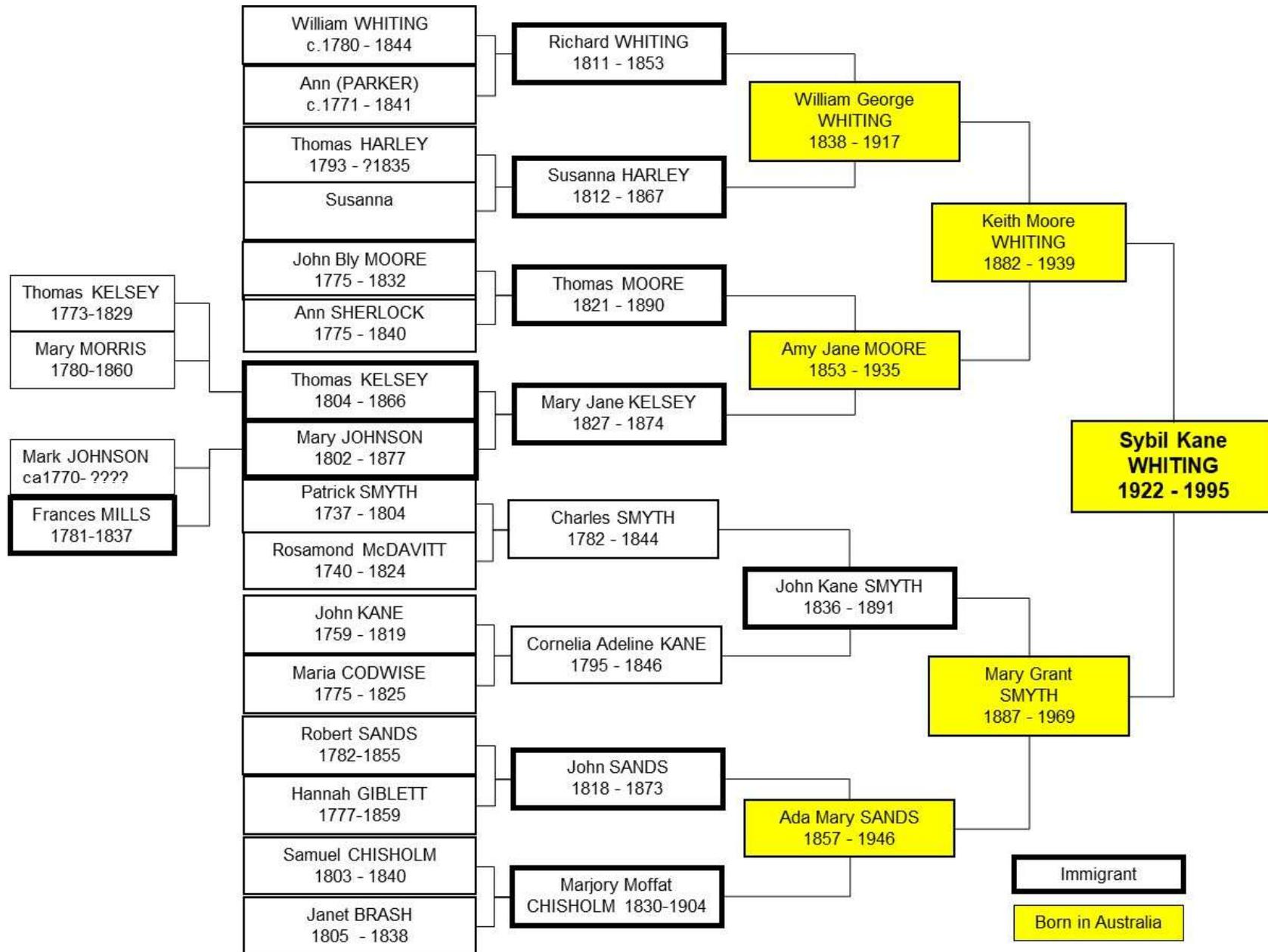
George Boyd Connor (1919-2014) and Sybil Kane Whiting (1922-1995).

Each of the stories can be read in isolation. Inevitably, there is overlap between them, so some repetition is unavoidable but I have tried to keep this to a minimum. For easy reference, family trees are included at the end of each story.

Many organizations have provided research material for this story. In particular, the National Library of Australia 'TROVE' database was an invaluable resource. Ancestry.com.au provided transcripts of many important records of the Whiting and Harley families. The National Archives of the UK provided documents concerning Richard's criminal history. My thanks go to them all. I have included references to important events and facts as footnotes on each page.

Andrew George Connor
Perth, 2018

MY MOTHER'S ANCESTORS



RICHARD and SUSANNA WHITING

Their Early life in England

William Whiting was born in about 1780^{1,2} and married Ann Parker³ on 26 May 1806 at St Botolph without Bishopsgate, London. The couple had at least five children; Thomas Whiting (born 5 March 1807), William Whiting (born 2 June 1809), Richard Whiting (born 23 June 1811), Joseph Whiting (born 11 June 1813) and Ann Whiting (born 12 July 1816). All the children were baptised at the local parish church, St Leonard's Church of England, Shoreditch – William and Richard were baptised together on 4 August 1811. In 1813 and 1816, the family was living at Hill Street⁴, Shoreditch and William's occupation was a distiller. He probably operated a small, pot still at the house to produce gin in small batches, which was sold (wholesale) to local shops, quite legally. There is a long gap in my knowledge of the family's movements, and William's occupation, between 1816 and 1830 while the children were growing up. During the 1820s, William may have been finding it more difficult to survive as a small, wholesale distiller. Industry regulation was increasing, the price of beer became cheaper than gin, and the introduction of large, continuous column stills in 1826-28 would change the industry economics forever. Home distillers became another casualty of the Industrial Revolution. It's possible that William became a Licensed Victualler for a time, as declared on his son Thomas' second marriage record in 1855.

William had received a basic education and was capable of signing his name on the marriage record, although not in a practised hand. Ann Whiting had not had the opportunity to learn to read and write, and signed her mark 'X' on their marriage record. It was Ann's second marriage. They were a working-class family and moved from one rental house to another within the Parish, until they reached Hill Street.

Education was not compulsory at that time, but William and Ann saw the value of an education and made sure that their children received one. The children probably attended the St Leonard's Shoreditch Parochial Boys and Girls Schools. In 1819, there were 100 pupils at the Boys' School and 50 at the Girls' School, who were fully clothed and instructed under the National System in reading, writing and arithmetic⁵.

After leaving school, Thomas was apprenticed to a book binder, James Key. He went on to marry his master's daughter, Mary Sewell Key, and became a partner in his father-in-law's business. William started a circulating library, and may have moved to Norwich. After a brief period as a woollen draper, Joseph joined his brother as a bookbinder.

Richard was apprenticed to a Hosier and Glover after leaving school, probably around the age of thirteen. It appears, however, that he did not find this career to his liking and got a job with Charles Coulton as a stable boy. Charles Coulton was a second-hand dealer and auctioneer, who had a large warehouse-cum-showroom at 52 Union Street, Southwark, south of the Thames. Coulton would buy the contents of houses from distressed, bankrupt and deceased estates, transport the furniture and effects to his showroom and on-sell them. He had a history of taking unfair advantage of people in distress⁶. Richard would have been involved in collecting the furniture from the houses, loading it on to a horse-drawn dray, carting it back to

¹ England and Wales, Non-conformist and Non-parochial Registers, 1567-1970. Piece 0036, Bunhill Burial Ground (or Golden Lane Cemetery): Burials (part 2) 1840-1846

² Not to be confused with William Whiting (1765-1823), publican of the *Three Pigeons* in Butcher-hall Lane, or his son William Whiting (1792-1835), publican of the *Greyhound Tavern* in Stockwell Street, Greenwich.

³ Ann Parker was a widow; her maiden name is not known.

⁴ Hill Street was renamed Bonhill Street, Shoreditch, about 13 minutes' walk from St Leonard's Shoreditch.

⁵ Second Report of the Commissioners on the Education of the Poor. 1819

⁶ Morning Chronicle 29 Nov 1822

the showroom and unloading it again. He probably learned business and trading skills which would be very useful to him later in life, but he also had ample opportunity to steal smaller, valuable items for pawning or for sale on the black market, if he was so tempted.

When in their late teens, Richard and Joseph Whiting met two Southwark girls, Susanna⁷ and Sarah Harley, sisters. They were about a year younger than Richard and Joseph respectively, and before long, the relationships developed into romances. Susanna and Sarah were the daughters of Thomas and Susanna Harley⁸, who lived in Stoney Street, Southwark, not far from Richard Whiting's workplace at Union Street. Like the Whiting boys, Susanna and Sarah had been sent to the local Parish school for a basic education. Thomas Harley was described as a labourer on his children's baptismal records, and he probably worked around the Southwark docks, but he later became a distiller⁹, so perhaps Thomas Harley and William Whiting knew each other, and that is how their children met.

By the beginning of 1832, Joseph (18) and Sarah (17) had decided to marry. Given later events, it seems likely that Richard (20) and Susanna (19) had also decided to marry, and that a double wedding was planned in June 1832, after Sarah turned eighteen. Joseph and Sarah posted their first banns at Christ Church with St Mary and St Stephen, Spitalfields, on Sunday 24 June 1832, fourteen days after her eighteenth birthday. Their third banns were posted on 8 July and they were married the next day. Sarah's father Thomas Harley was a witness and so must have given his consent. It is possible that Richard and Susanna posted their first banns on 24 June also, but the process was never completed because, on 28 June 1832, Richard was arrested for stealing from his employer, Charles Coulton, and locked up in the Guildford Gaol, Horsemonger Lane, Surrey.

It is hard to imagine that the theft of a clock (value six pounds) and a pair of pistols (value thirty shillings) was unconnected to Richard's wedding plans. I choose to believe that he pawned them to buy his future wife a wedding ring or gift. One of my Whiting relatives thinks that Richard was framed by someone wishing to stop his marriage, although the 'who' and 'why' are not clear to me, especially since Joseph and Sarah's marriage went ahead.

The gaol at Horsemonger Lane catered for about 220 inmates at any one time. There was separation between prisoners based firstly on sex and then on the seriousness of their crime, but there were practical limits to this as gaols struggled to accommodate the growing number of prisoners produced during the Industrial Revolution. As a pre-trial prisoner, Richard was searched and then examined by the prison surgeon, who may have prescribed a haircut, bath, and fumigation of his clothes if necessary, but he was not compelled to wear prison clothes. He was allowed to bring a limited allowance of food, malt liquor, clothing and linen into the gaol. He was put in a cell with no less than two other male prisoners. Visitors were allowed under supervision, so Susanna would have visited him as often as possible. He was not required to work.¹⁰

On 6 August 1832 after forty days in gaol, Richard Whiting, labourer, aged 21 was committed for trial by the police magistrate R. J. Chambers Esq, charged on the oaths of Charles Coulton and John Robinson Jackson (a pawnbroker) with feloniously stealing in his dwelling-house at St Saviour, a clock value six pounds and a pair of pistols, his property. The trial was held on 9 August 1832 at the Summer Assize, Guilford, Surrey before Charles Lord Tenterden and Sir John Bayley, and a jury. Richard's case was number 97 of 109 set to be heard on that day. We do not know Richard's plea, but the average on that day of less than five minutes per case

⁷ Susanna is the spelling on her Baptism record, but it is sometimes spelt Susannah, or shortened to Susan.

⁸ No record of marriage found; Susanna's maiden name unknown; married very young, possibly without parents' consent.

⁹ St Sepulchre Holborn Parish records, Marriage Sarah Whiting to Ralph Henry Gollop, 23 Nov 1856

¹⁰ Regulations for Prisons in England and Wales. Home Office 1840

suggests that none of them involved long arguments by defendants or long consideration by the jury¹¹.

Conviction and Transportation

In 1823, there were 220 offences punishable by death under English law, including Richard Whiting's offence. As the Industrial Revolution gained momentum, more and more people were tempted, or forced by poverty, to commit offences against the law. In response to public pressure against the rising number of executions for relatively petty crimes, the Judgement of Death Act 1823 was passed. Under this law, offences punishable by death were reduced to less than 120, and the death penalty became discretionary for all crimes except treason and murder. In 1785, Australia had been selected as a suitable place to establish a penal colony, replacing the American Colonies and, from then onwards, transportation became a more common and publicly acceptable form of punishment for all but the worst offences.

On 9 August 1832, Richard Whiting was found guilty of larceny as a servant in a dwelling house and was sentenced to transportation for life¹². Of the people on trial that day in Surrey, twelve (including two women) were sentenced to death, for breaking and entering or for crimes with violence; eighteen were sentenced to transportation for life; six were sentenced to transportation for fourteen years; eight were sentenced to transportation for seven years; twenty three received sentences ranging from a whipping to two years in gaol; and twenty nine were found not guilty¹³.

After the trial, Richard was returned to the Horsemonger Lane gaol, this time as a convicted felon. As such, he was given a number, had to wear prison clothing of coarse, woollen cloth and was put to work, but not hard labour. He was allowed prison food only, and no alcohol or tobacco. Communication with other prisoners was forbidden. Visitors and letters (in and out) were restricted to one every three months, so any arrangements between Richard and Susanna concerning their future together must have been made before his conviction. They decided to remain engaged, write to each other, and wait for an opportunity to be reunited.

Richard's behaviour while in gaol was described as "good". After two weeks at Horsemonger Lane, Richard was moved to the Prison Hulk *Hardy*, arriving there on 25 August 1832¹⁴. The H.M.S. *Hardy* was a twelve-gun brig, 80 ½ feet long and 22 ½ feet wide, built in 1804 for the Royal Navy. By 1814 she was recommissioned as a store ship, and was earmarked as a convict hospital ship in 1821, but ended life as a prison hulk moored at Tipner, in the backwaters of Portsmouth harbour¹⁵. Prison hulks were the Government's way of dealing with highly overcrowded gaols, resulting from increasing rates of criminalisation at home, and loss of the American colonies as a transportation destination. The hulks were mainly ex-Royal Navy warships, stripped of their guns and rigging, and converted below decks into prisons. In 1832 there were seven hulks moored in and near Portsmouth, including the *Hardy* and the *York*.

Since their introduction in 1776, prison hulks had a deserved reputation as the worst place to be imprisoned. In the early days, the death rate for prisoners on hulks was very high (30%), as a result of tuberculosis, cholera and typhoid epidemics. By the 1830s, health conditions aboard the hulks had improved, but were still worse than any land-based prison and were deliberately kept that way as a deterrent to crime.

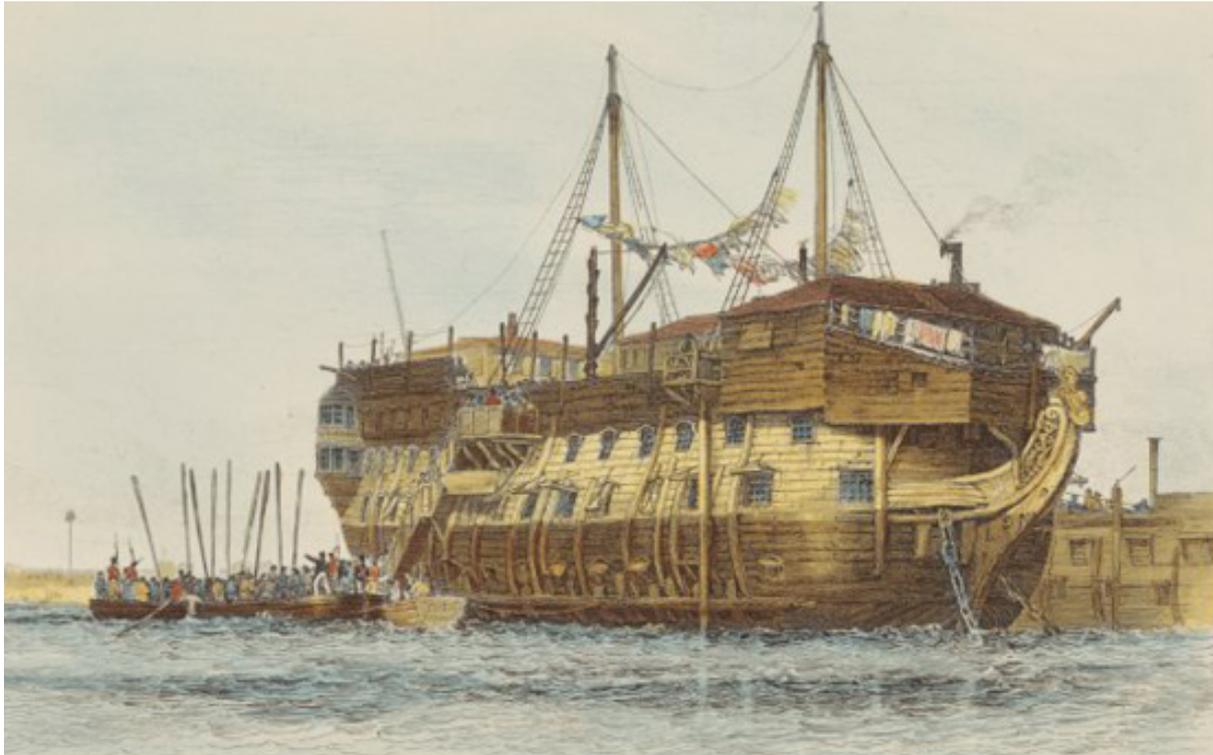
¹¹ National Archives ASSI-94-2133. Indictments Files, Surrey, 1832.

¹² Australian Convict Transportation Registers, Other Fleets & Ships. 1791-1868. Ancestry.com.

¹³ England and Wales Criminal Registers, 1791 to 1892. Ancestry.com.

¹⁴ UK Prison Hulk Registers and Letter Books, 1820-1849. Ancestry.com.

¹⁵ Three Decks Forum. https://threedecks.org/index.php?display_type=show_ship&id=4609



Prison Hulk H.M.S. *York*, Portsmouth Harbour, 1828¹⁶

The *Hardy* held about one hundred convicts. Most, like Richard, were awaiting transportation to another destination, hoping that their wait would be short and they would survive. Life on board the hulks followed a navy-like regimen, as shown by the following example;

0300 Cooks rise to boil the prisoners' breakfast

0530 All hands called up

0545 Prisoners mustered and counted

0600 Breakfast (bread and gruel)

0615 Prisoners wash one of the three decks, in rotation

0645 Prisoners bring hammocks on deck. Prisoners are searched and leg irons are checked.

0700 Prisoners proceed to work on-shore. Prisoners are assigned to work parties, in charge of dock-yard labourers and overseen by the first and second mates.

1145 Prisoners remaining on board are mustered and counted.

1200 Prisoners return to ship, searched as they board, and mustered.

1210 Prisoners put into their cells and have dinner, under guard

1320 Prisoners return to shore and resume labour with usual checks

1815 Prisoners return to ship with usual checks

1830 School commences

1930 Prayers read in chapel

2000 Prisoners are locked in their cells for the night.

The surgeon or his assistant attends the ship every day to hold a sick bay and inspect conditions.

On Saturday evening, every prisoner washes himself

¹⁶ "Shipping and Craft" by Edward William Cooke, 1829.

On Sundays, the ship is swept clean before breakfast. After breakfast the prisoners are mustered and inspected for cleanliness and clothing, followed by divine service.¹⁷

Richard survived aboard the *Hardy* until 8 November 1832, when he and eleven other men who had been convicted with him at Guildford, were transferred to the *York*, in preparation for transportation to New South Wales. By this time, the twelve men, ranging in age from 16 to 50, would have known each other very well. Richard's character while aboard the *York* was described as "good".¹⁸ On 6 November 1832, the ship *Andromeda* arrived in Portsmouth from Deptford and prepared for its third voyage carrying convicts to the Australian colonies. In all, 186 male convicts were transferred to the *Andromeda* on 15 November, under the military guard of Lieutenants Lonsdale and Armstrong and 29 rank and file of the 21st Regiment, Royal Scotch Fusiliers. Also on board were Captain Ben Gale and his crew, Surgeon Superintendent David Boyter, five women and six children (the families of guard members), and two steerage passengers. The *Andromeda* sailed from Portsmouth on 17 November 1832.¹⁹

The ship's medical officer, David Boyter kept a medical journal of the voyage, and the following is his general summary.

"The Guard were embarked in fine weather and under the most favourable circumstances. They were all young men in high health and spirits and completed the voyage without a casualty occurring and were disembarked in the best state of health after a voyage of seventeen weeks.

*The convicts were in number two (sic) hundred and eighty-six. I received them from the York hulk at Portsmouth. They were mostly young men lately convicted, of very full habit and apparently remarkably clean and healthy at this time. Cholera was very prevalent and fatal on board of the next hulk and from the men having been employed together at work in the dock yard, I was very apprehensive of the disease's appearance on board the Andromeda, but I am happy to remark that with the exception of a mild case of dysentery, not another instance of bowel complaint occurred during the voyage. During the first part of our voyage in crossing the Bay of Biscay we met with a very severe gale of wind, the ship from being just out of port was very ill-provided with tarpaulins and other necessary things to prevent water getting below. The consequence was that the prison was completely inundated and the lower deck was obliged to be scuttled to allow the water to escape below. Many of the convicts were seriously ill from perfect terror but more especially from sea sickness which induced several to the lowest ebb. I was in these cases obliged to administer liberally wine and medical comfort to assist in their recovery. From these circumstances and getting rapidly into a tropical climate sickness prevailed to a greater extent than I had experienced during my two former voyages. Synochus was the prevalent and only complaint on board. Two of these terminated fatally as is related in Case Nos 1 and 11. The case of Kingsgate as related in Case No. 3 was suddenly cut off from Pulmonary Haemorrhage. Many of the other cases were exceedingly tedious and doubtful as appears in the case of Collins No. 6. The far greater number were however of a mild character and only required early attention and mostly gave way to full Bloodletting and Purgation Medicines. Towards the termination of the voyage, these complaints gradually disappeared and on our arrival after being at sea seventeen weeks, only three cases remained on the List."*²⁰

¹⁷ Daily proceedings on board the Leviathan convict hulk, at Portsmouth, August 16, 1838. In, Reports of the Superintendent of Convict Establishments (Hulks), for the year ending 31st December, 1838.

¹⁸ UK Prison Hulk Registers and Letter Books, 1820-1849. Ancestry.com.

¹⁹ Public Ledger and Daily Advertiser 20 Nov 1832

²⁰ UK Royal Navy Medical Journals 1817-1857. *Andromeda*. Ancestry.com. Scans of the original document.

Three convicts died during the voyage and another after the ship's arrival at Port Jackson, Sydney on 11 March 1833. Richard Whiting is not mentioned in Boyter's journal.

The prisoners were mustered on board on 15th March 1833 and their particulars were recorded. Richard's description was as follows:²¹

Convict No;	No. 33/712
Indent No;	146
Name;	Richard Whiting
Age;	21
Education;	Read and Write
Religion;	Protestant
Marital status;	Single
Family;	None
Native Place;	London
Trade or calling;	Hosier and Glover, Stable Boy
Offence;	Robbing employer
Where tried;	Surrey
When tried;	9 August 1832
Height;	5 ft 2 ¼ inches (158 cm)
Complexion;	Ruddy and freckles
Hair colour;	Dark brown
Eye colour;	Hazel
Other marks;	lost two front teeth of upper jaw, scar on knuckle of right forefinger.

This is the only description we have of Richard Whiting's appearance. No photos of him exist. The ruddy complexion with freckles, hazel eyes and brown hair are traits which reappear in many of his descendants.

Sydney, New South Wales

Richard and his fellow convicts disembarked the *Andromeda* on 26 March and were assigned to their new masters scattered throughout the colony. Richard was the only convict from the *Andromeda* assigned to Thomas Marsden of Sydney. Perhaps splitting up convicts who had been together for so long was a deliberate Government strategy to avoid pockets of disobedience or rebellion. Convict labour was in high demand by free settlers in the colony, who had become accustomed to having a low-cost source of labour. There was a waiting list for new convict assignments. After applying for an assignee and specifying some basic requirements (sex, age, education, trade or skill), the Government selected and assigned each convict – it was a lottery for the free settler. Those who rejected an assignee were blacklisted as not eligible to re-apply.

While on assignment, convicts remained the responsibility of the Government – they were on loan to their master - but as time went on, the Government introduced the user pays principle and gradually passed on costs to the free settlers. If an assigned convict absconded from their master (and many did), it was the Government's responsibility (and cost) to re-apprehend them, and the master could be placed on the Government's blacklist as unsuitable. It was in the interests of the master to keep their assignee well fed, clothed, housed and working hard, so that they did not abscond. To this end, the Government issued some regulations regarding minimum standards of rations and clothing.

²¹ New South Wales Australia, Convict Indents 1788-1842. Bound indentures, 1832-33 Ancestry.com. Scans of original document.

The minimum weekly food ration was set at:

12 lb of Wheat, or 9 lb of Flour (with some variations for maize meal)
7 lb of Beef or Mutton, or 4 ½ lb pounds of Salt Pork,
4 oz of Salt,
4 oz of Soap.

Any articles which the master may supply beyond these, are to be considered as indulgencies, which he is at liberty to discontinue whenever he may think proper.

The minimum annual clothing ration was set at:

Two Frocks or Jackets (Woollen or Canvas),
Three Shirts,
Two pairs of Trousers (Woollen or Canvas),
Three pairs of Shoes,
One Hat or Cap.

These were distributed on the first of May, August and November each year. Also, each man was *to be kept constantly supplied with at least one good Blanket and one Palliasse or Wool Mattress, which are to be considered the property of the master.*²² These were the minimum standards that Richard Whiting could expect from his new master Thomas Marsden, and were much better than he had received since his conviction.

Thomas Marsden and his brother Samuel came as free settlers from Yorkshire to the Windsor district in about 1821. Thomas moved in to Sydney town in about 1828 to start his own business. According to the Marsden family papers²³, he was second cousin to Rev. Samuel Marsden, which would have given him connections to Sydney gentry and the wool industry. Even if this direct relationship is not correct²⁴, he firmly tied himself to Sydney “royalty” when he married Jane Elizabeth, the daughter of Rev. Samuel Marsden at St John’s Church Parramatta in April 1831.

By the time Richard Whiting arrived in Sydney, Thomas Marsden was running a successful merchant business with his English-based business partner Phillip William Flower. Marsden & Flower imported a wide variety of staples, essentials and luxuries for the colony, and exported wool to Britain. Thomas (28), wife Jane (25) and their two young children lived (and worked) at Marsden & Flower’s buildings on the south-east corner of Pitt and Hunter Streets, Sydney. There was a large store or warehouse on Hunter Street and an adjoining cottage and grounds. Thomas also had pastoral holdings at O’Connell Plains along the Macquarie River, and the Bell River, near Bathurst, where he kept his own wool-growing flock.

There is no record of what Thomas and his business needed from Richard. It was probably not his skills as a hosier and glover; more likely, they were looking for an educated young man who could load, transport and unload deliveries to and from the business premises, maintain the horses, harnesses and carriages and, potentially, deal with the basic paperwork associated with an import/export merchant business. Richard’s stable boy experience with Charles Coulton was probably what they were seeking. Trust might develop over time. There is also no record of where Richard was housed, but it was probably at the business premises in Pitt Street, in or near the stables.

Conditions for Richard were the best they had been since his arrest a year earlier. He was free to walk around Sydney (without leg irons), talk to people, smoke and drink if he could afford it. Marsden & Flower were not obliged to pay Richard anything for his work, but may

²² Government Order No 18. Sydney Monitor 16 Jan 1833 p. 2

²³ Marsden Family Papers, 1793-1938. Biographical Note by Rev Robert E Marsden. National Library of Aust.

²⁴ Opinions of the blood relationship between Thomas and Rev Samuel Marsden range from 3 to 8 degrees of separation; no common ancestor has been identified definitively.

have given him a small allowance. Thomas Marsden did not have his father-in-law's reputation as a hard master. Richard was also permitted, with the support of his masters, to apply to the Governor to get married. At the earliest, and probably every opportunity, Richard would have written to his fiancée Susanna, telling her of his experiences and prospects. Letters to/from London took at least four months to be delivered. Richard may not have had a letter from Susanna for six months, but with a settled address at c/o Marsden & Flower, Pitt Street, Sydney, mail from Susanna probably began to reach him late in 1833.

Their love affair by correspondence continued for the next two years. During this period, Richard's masters became more trusting of him and confident in his work and behaviour. Richard himself probably felt more confident about his prospects in Sydney as a good place to live and work. Richard learned that, with good behaviour, he might expect to be granted a Ticket of Leave in 10-12 years, and might eventually receive a Conditional Pardon. At some point, he must have approached his masters, told them about Susanna and his hopes for their future, and asked for their support, if and when she arrived in the colony. They agreed, which shows that they trusted Richard and valued him as a reliable worker for the company.

Marriage and a family

On 2 April 1836, Susanna Harley (23) boarded the barque *Bolina* in London for the voyage to New South Wales. It is possible that Susanna had delayed her departure because, being the only child remaining at home, she felt an obligation to stay and care for father, Thomas Harley. Also, Joseph and Sarah Whiting were expecting their first child and Susanna wanted to support her sister. Susanna's nephew, Richard Whiting, was born at Hosier Lane, St Sepulchre on 23 November 1835 and was baptised on 14 February 1836.

The *Bolina* was mainly a general cargo vessel, but it had accommodation for about a dozen passengers. Its primary destination was Launceston in Van Diemen's Land, and it arrived there safely, eighteen weeks later, on 7 August 1836, to unload the cargo and some of the passengers before going on to Sydney. The *Bolina*, with Susanna aboard, arrived at Sydney on 11 September 1836²⁵, and the couple were reunited after four years' separation.

Within a fortnight of their reunion, Richard Whiting applied to the Governor for permission to marry Susanna Harley. The application form included an undertaking by Messrs Marsden & Flower to keep both parties engaged until Richard obtained a Ticket of Leave, which would usually be granted after serving at least ten years of his life sentence. Their application was listed on 14 October 1836, transmitted on 27 October as "allowed", and they were married on 31 October at St James' Church of England, Sydney by Rev. Robert Cartwright.²⁶

Marsden & Flower's trading business was thriving and no doubt Richard was kept very busy. Susanna would also have been employed and, being a free settler, was entitled to expect wages for her work. Exactly what work she did is unknown, but it was probably of a domestic nature. The Marsden family, though wealthy, did not enjoy good health. Two infant children died in 1835 and 1837, and Thomas himself became very ill, so that he had to resign from some directorships he held in Sydney. After a long and severe illness, Thomas Marsden, aged only 31, died on 11 August 1837 at his property *Woodlands* near Bathurst²⁷. His partner Phillip Flower came out to Australia to continue running the business. As an assigned convict, responsibility for Richard passed to Thomas' executors, in particular John Henry Challis, who

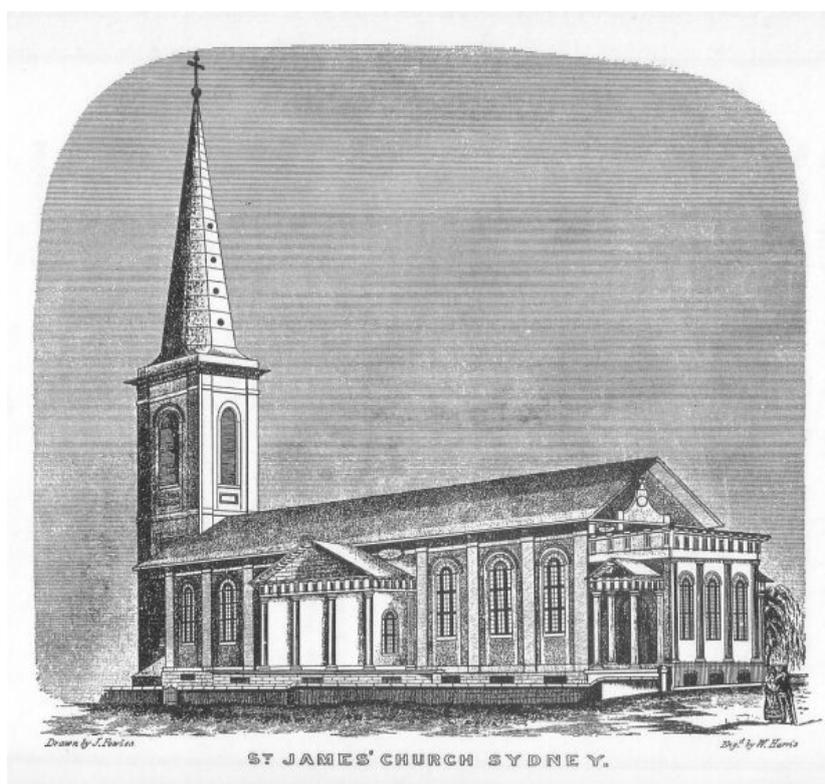
²⁵ Commercial Journal and Advertiser 14 Sep 1836 p 2

²⁶ NSW Australia, Register of Convicts' Applications to Marry, 1826-1851. p 228 Ancestry.com. Original document.

²⁷ Colonist 17 August 1837 p 7

had arrived in Australia in 1829 as a free settler, and worked his way up to become Chief Clerk at Marsden & Flower.

Richard and Susanna's first child, William George Whiting (my great grandfather) was born on 15 January 1838. He was baptised at St James' Church on 11 February 1838, where Richard gave his address as Pitt Street and his occupation as labourer²⁸, suggesting that his status at Marsden & Flower had not changed much since his arrival in the colony. By the time their second child was born, Richard Harley Whiting on 30 May 1839, Richard described himself on the baptism certificate as a storekeeper of Pitt Street²⁹. He was still assigned to Marsden & Flower, so the store must have been theirs, and Richard's role had been elevated from labourer to a storeman within their warehouse. Also in 1839, Marsden & Flower sold their corner block on Pitt and Hunter Streets to the Union Bank of Australia. Thereafter, the address of the company's office and warehouse was Hunter Street, Sydney.



St James' Church, King Street, Sydney, 1848³⁰

From the mid-1830s onwards, opposition to transportation, both in the colonies and in Britain, strengthened. The anti-transportation lobby of free settlers, newspaper proprietors and leading clerics, now claimed that convicts were the main source of crime and vice within the community, and that assigned convicts competed unfairly with free labour. In 1837, The British Government established a Select Committee, chaired by William Molesworth, to investigate transportation and secondary punishment in New South Wales and Tasmania. *It concluded that transportation was generally a failure and akin to slavery. Molesworth found that the assignment system had become dysfunctional and open to abuse. According to his research, the assignment of convicts to private masters produced unequal treatment which had nothing to do with the nature of the offender's crimes. Even worse, in his opinion the convict system*

²⁸ NSW Births, Deaths and Marriages. Baptism Certificate No 301 Vol 22.

²⁹ NSW Births, Deaths and Marriages. Baptism Certificate No 415 Vol 23A.

³⁰ "Sydney in 1848" drawn and published by Joseph Fowles, 1848

*encouraged prostitution, deviance, moral depravity, the creation of a criminal class and a breakdown in law and order.*³¹

Newspapers, especially in Britain, sensationally reported the most salacious aspects of the committee's evidence, and painted convicts as deplorable, depraved and despicable people, despite the fact that, in only fifty years, they had been largely responsible for building several thriving communities in a challenging country. As a result of this propaganda, "*in a very short space of time, just a few years, the convicts went from being objects of proud rehabilitation to the most obscene people that Victorian society could imagine.*"³² Convicts became a stain on colonial society.

The N.S.W. Government immediately adopted the report's recommendations and announced, on 22 November 1837, that there would be no more assigned servants; positions should be filled by free immigrants. There was strong reaction to this from interested businessmen who wished to maintain access to cheap convict labour. From 19 December 1838, male convicts were no longer assigned for luxury and domestic purposes. New convicts had to spend a minimum of six months in Government service before any assignment could be considered. Finally, on 22 May 1840, the British Government, through an Order-in-Council, removed New South Wales as an approved destination for transported convicts; and, on 9 April 1841, the N.S.W. Government announced that it would not accept any applications for convict assignment after 10 May 1841.

Freedom

These dramatic changes must have had an impact on the life Richard and Susanna Whiting. On the negative side, their standing in the local community fell along with all other assigned convicts, irrespective of their demonstrated good character since arriving in New South Wales. Susanna and the children, although free, would have been tainted by their familial ties to Richard. On the positive side, Richard's masters may have had some sympathy for Richard, and/or may have wanted to dissociate their public image from convict labour, so they pushed for Richard's early emancipation.

Richard was granted a Ticket of Leave on 9 September 1841, nine years and one month after his conviction. This was unusually early for a convict with a life sentence, and probably reflects his good behaviour and Marsden & Flower's intervention, as well as the general political context. A Ticket of Leave usually allowed the holder to work for themselves within a restricted area but, in Richard's case, his Ticket was allowed for the district of Sydney *for so long only as he remains in the service of Mr J.H. Challis, Executor to Mr Thomas Marsden*³³. They clearly valued his work and good conduct. Other general conditions for all Ticket of Leave holders were that they report regularly to authorities, attend divine worship on Sundays if possible, not leave the colony, and carry their ticket stub at all times.

Not long after being granted his Ticket of Leave, Richard got word from England that his mother, Ann Whiting, had died at her home at 26 Old Bailey, London, aged 70. Five months later, on 8 January 1842 and still less than ten years after his conviction, Richard Whiting was granted a Conditional Pardon, as described in the following extract;

³¹ Sydney Living Museums 2017. <https://sydneylivingmuseums.com.au/convict-sydney/molsworth-report>

³² Babette Smith, 'Legend and Reality: The Genius of Russel Ward: The 2009 Russel Annual Lecture, Uni. of New England, 8 September 2009', *Journal of Australian Colonial History*, Vol. 12, 2010, pp. 171-190.

³³ Ticket of Leave No 41/1924. New South Wales State Archives

BY VIRTUE of such Power and Authority so vested as aforesaid, *Sir George Gipps, Knight*, Captain-General and Governor-in-Chief of Her Majesty's said Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, taking into Consideration the Good Conduct of *Richard Whiting* who arrived in the Colony in the Ship *Andromeda (2)*, *Gales* Master, in the Year One thousand eight hundred and *thirty three*, under Sentence of Transportation for *Life* and whose description is on the back hereof, DO hereby CONDITIONALLY REMIT the remainder of the Term or Time which is yet to come and unexpired of the Original Sentence or Order of Transportation passed on the aforesaid *Richard Whiting* at *Surry Assizes* on the Ninth Day of August One thousand eight hundred and thirty two.

Provided Always, and on Condition that the said *Richard Whiting* continue to Reside within the Limits of this Government for and during the space of *his* Original Sentence or Order of Transportation:- otherwise the said *Richard Whiting* shall be subject to all the Pains and Penalties of Re-appearing in Great Britain and Ireland, for and during the Term of *his* Original Sentence or Order of Transportation; or, as if this Remission had never been granted.³⁴

Although Richard was prohibited from leaving New South Wales for the rest of his life or until fully pardoned, he was now in all respects free to do as he wished. His assigned convict status lapsed, and he could expect to be paid for his work. On the other hand, Marsden & Flower were no longer obliged to house, clothe and feed him. There is no indication that Richard left the employment of Marsden & Flower – the fact that they had supported him so strongly in his bid for freedom would suggest that they continued to employ him in their warehouse and office in Hunter Street. Phillip Flower took in a new partner, Severin Salting, in 1842 and the company was renamed Flower, Salting and Company, with Richard's mentor, John H. Challis, as a junior partner and director.³⁵

Richard and Susanna's third and last child was born on 8 August 1843 and was baptised Joseph Charles Whiting at St James' Church on 27 August 1843. Richard described himself on the baptism record as a store keeper of Hunter Street, indicating that he was still employed by Flower, Salting and Company³⁶. This company grew strongly in the 1840s and, by 1847-8, was the largest importer of Australian wool to Britain with 6383 bales for the season.³⁷ The company also imported tallow, whale oil, sandalwood and other bulk commodities, using a fleet of leased and some fully-owned ships. John Challis became very wealthy³⁸. Richard's fortunes would have grown with the company and, by 1845, he had become a clerk under the tutelage of John Challis.³⁹

Richard's father, William Whiting, died at his son Joseph's home, 7 Hosier Lane, St. Sepulchre, London in May 1844, aged 64. Richard would have received the news in October.

With their family complete and Richard in secure employment, Susanna and Richard could focus on improving their living standard and educating their children. Their eldest son William was then five years old and able to attend school. In 1844, a Select Committee on Education reported that only half of the 26,000 children in the colony aged 4 to 14 were attending school⁴⁰. The Committee recommended that "*one uniform system shall be established for the*

³⁴ NSW Australia, Convict Registers of Conditional and Absolute Pardons 1788-1870. No 42/2, pp 45-46 (Ancestry.com), original document.

³⁵ Sydney Gazette and New South Wales Advertiser, 30 June 1842 p 3

³⁶ NSW Births Deaths and Marriages. Baptism Certificate No 2434 Vol27A

³⁷ Shipping and Mercantile Gazette. (UK) 13 April 1849

³⁸ John H. Challis became a major benefactor to Sydney University.

³⁹ Low's Directory of Sydney, 1844-45

⁴⁰ Weekly Register of Politics, Facts and General Literature, Sat 7 September 1844 p 120

whole of the colony and that an adherence to that system should be made the indispensable condition under which alone public aid will be granted”, and “all the children of whatever denomination they be, are required to attend.” They recommended adopting Lord Stanley’s system of National Education but their recommendations were not implemented until January 1848. So, for their early years of education, William and his brothers had to use the existing denominational or private education systems. Given the family’s association with St James’ Church, the boys probably attended the St. James’ Primary Male School which was in the Old Court-house on the Elizabeth Street side of the church, and then the newly-constructed St James’ Grammar School in Phillip Street⁴¹.

Almost sixteen years after his conviction, Richard was granted a Full Pardon by Governor Sir Charles FitzRoy, which allowed him to travel anywhere in the world except the United Kingdom of Great Britain and Ireland. The Pardon is hand-written on his 1842 Conditional Pardon, and is dated 29 March 1848.⁴² Richard could do no more to show that his rehabilitation was complete and that he was of good character, but the convict stain would never be entirely removed and would continue to trouble his family.

In June 1848, Richard’s younger brother Joseph (35) died at his home in Hosier Lane, St Sepulchre London, leaving his wife Sarah (Harley) Whiting in difficult circumstances. His unmarried younger brother William had also died young (32). These events prompted Richard to think about his own longevity and his family’s future. He decided to join the Grand United Order of Odd Fellows, which had recently established a branch in Sydney, called the Loyal United Brothers Lodge, No. 986. Members of the Lodge contributed to a fund to support each other and their families in case of hardship or death. The members were bound together by a code of ethics, which gave them some individual respectability as people of good character. They met every fortnight at their Lodge Room in the *Friendship* Hotel, Bathurst Street where they held ceremonies, socialised and networked.

The family moved residence quite often, but always found a place to rent close to the centre of the city. At the time of the 1849-50 Census, they were living in Wentworth Place, which ran between Phillip and Elizabeth Streets, close to where Martin Place is now, but by 1853, they had moved a short distance to Pitt Street North. On 18 October 1853, Richard Whiting died at his home in Pitt Street, cause unknown. He was aged 42, so lived longer than his brothers, but it was still a short life. He was buried at the Camperdown Cemetery on 21 October 1853, and his Lodge friends attended the funeral.

Susanna’s widowhood.

When Richard died, Susanna was 41, William 15, Richard junior 14 and Joseph 10 years old. William had just entered the workforce and chose to follow his father’s profession to become a clerk-cum-accountant with a merchant company. William was desperate to distance himself from the convict stain, and invented a background story that he was born in Oxford, England and came to New South Wales as a free settler. William became the family breadwinner.

Richard junior also followed his father’s profession and became a clerk but, unlike William, Richard also became a convict. Perhaps he developed uncontrollable drinking and/or gambling habits, because he borrowed small amounts of money from various people around Sydney and, when his credit ran out, he began taking money under false pretences by passing

⁴¹ Sydney Herald. Monday 5 July 1841, p 2

⁴² NSW Australia, Convict Registers of Conditional and Absolute Pardons 1788-1870. No 42/2, pp 45-46 (Ancestry.com), original document.

bad cheques, sometimes using an alias. On 14 November 1857, aged 18, Richard junior was arrested in Newcastle, charged with obtaining money under false pretences. He pleaded guilty and was imprisoned for a month in Newcastle Gaol. From his gaol description, Richard junior resembled his father; 5 ft 4 $\frac{3}{4}$ in. tall, slight build, sallow complexion, light brown hair and hazel eyes.⁴³ Richard junior's arrest must have been deeply embarrassing for the family, and Susanna tried to rectify the problem by placing the following advertisement in the Sydney newspapers: "*NOTICE. All moneys owing by RICHARD H. WHITING will be settled with, upon application at 41, Crown-street, Woolloomooloo. S. WHITING.*"⁴⁴ Unfortunately, Richard's arrest and gaoling did not deter him from offending again. In April 1861, Richard's criminal activities must have been well known to the family because William took out the following advertisement in the Sydney papers: "*THE PUBLIC are hereby cautioned not to negotiate or accept cheques or orders, tendered by R. H. WHITING, under any pretext whatever. W. G. WHITING*"⁴⁵

After finishing his schooling, Joseph Whiting also followed in his father's footsteps, becoming a clerk in a merchant warehouse. He seems to have been a stable and reliable person, who contributed to the family's well-being. Joseph (21) was the first of his brothers to settle down and marry; on 25 February 1865 to Maria Jane Dorcas Webb (19) at St Michael's Church, Surry Hills, which was close to the family home at 275 Bourke Street, Darlinghurst. Susanna now had some female company at home.

Susanna's first grandchild, Albert William Harley Whiting, was born to Joseph and Jane at the Bourke Street house on 31 May 1866.⁴⁶ Soon afterwards, the family moved to Emily Cottage in Pitt Street, Redfern, close to where William (and perhaps Joseph) worked at W. Drynan & Co, Cleveland Street. This became Joseph's family home for several years. William Whiting married Emily Jullien Bennett on 24 January 1867 and the couple moved to another house in nearby Cleveland Street.

Eventually, the police caught up with Richard junior. He was charged on 3 November 1866 with three counts of obtaining money under false pretences, pleaded guilty and was sentenced two years imprisonment in Darlinghurst Gaol.⁴⁷ He was there when his mother, Susanna Whiting, aged 54, died of nervous exhaustion and epilepsy at Emily Cottage on 2 March 1867. Interestingly, Joseph put on her death certificate that Susanna and Richard were married in England, a story which he must have learned from his parents.⁴⁸ Although not strictly correct, it reflects Richard and Susanna's love for each other and the strength of their commitment before coming to Australia.

William and Joseph put the following announcement in the newspapers, "*DEATHS. WHITING - On the 2nd instant at her residence, Pitt-street Redfern, Mrs. S. Whiting, the beloved mother of W. and J. Whiting, aged 53 years.*"⁴⁹ Significantly, Richard junior is omitted from this notice, and from the funeral notice. Susanna was buried two days later at Camperdown Cemetery with her husband Richard.

⁴³ NSW Gaol Description and Entrance Books. Newcastle 1845-48. Ancestry.com

⁴⁴ Sydney Morning Herald 19 December 1857 p 1

⁴⁵ Sydney Morning Herald 30 April 1861 p 1

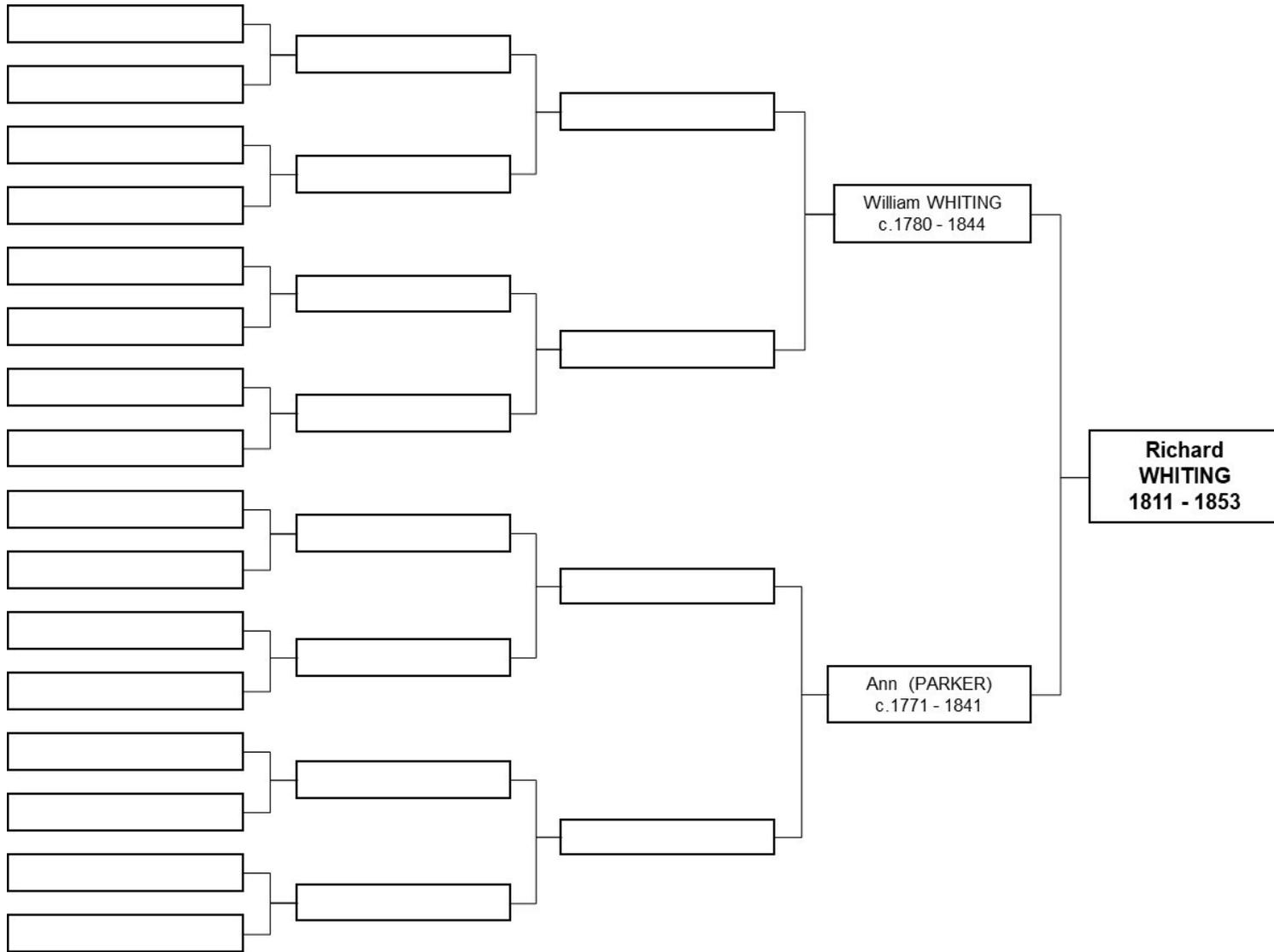
⁴⁶ Empire 6 June 1866 p 1

⁴⁷ Sydney Mail 10 November 1866 p 11; and NSW Gaol Description and Entrance Books, Returns of Prisoners, Darlinghurst, 1866-67. Ancestry.com

⁴⁸ N.S.W. Death Certificate 2680/1867

⁴⁹ Empire 5 March 1867

RICHARD WHITING'S ANCESTRY



RICHARD AND SUSANNA WHITING'S FAMILY

